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Counsel for the United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

12 **IT IS HEREBY STIPULATED AND AGREED**, by and between Patrick McDonald, Esq.
13 counsel for defendant Linda Livolsi, and Michael Chu, Assistant United States Attorney, counsel
14 for the United States of America, that the calendar call presently scheduled for February 6, 2013,
15 at 9:00 am; and (2) the trial currently scheduled for February 12, 2013, at 9:00 am be continued to
a time and date convenient to this Court. This stipulation is entered into for the following reasons:

1. The defendant requests a continuance of this trial. Defendant's counsel of choice,
17 Pat McDonald, Esq., has a medical condition which, due to the need for surgery and post-operative
18 rehabilitation, renders him unable to prepare for trial and try this case on its February 12, 2013 trial
19 setting. (For privacy reasons, details of Mr. McDonald's condition are omitted here, but Mr.
20 McDonald more fully described his need for surgery at the January 17, 2013 hearing. These
21 statements are incorporated herein by reference.) That said, defendant still wishes to retain Mr.
22 McDonald to handle her trial, and thus, stipulates to this continuance so that she can be represented
23 by her counsel of choice.

2. Defendant (and her counsel) need additional time to prepare for trial in the case including conducting legal research.

3. The United States, having inquired with Mr. McDonald into his medical condition, agrees to the continuance.

5 ||| 4. This is the seventh request for a continuance of the trial date.

6 5. Defendant is not in custody and does not object to a continuance of the trial date.

7 In fact, she actively seeks this continuance.

8 6. Denial of this request for a continuance could result in a miscarriage of justice.

9 7. The additional time requested by this stipulation is excludable in computing the time
10 within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§
11 3161(h)(7)(A), when considering the factors under 18 U.S.C. §§ 3161(h)(7)(B)(i) and
12 3161(h)(7)(B)(iv).

13 DATED January 17, 2013.

DANIEL BOGDEN
United States Attorney

/s/

/s/

PATRICK McDONALD, Esq.
Counsel for defendant Linda Livolsi

MICHAEL CHU
Assistant United States Attorney
Counsel for the United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
Plaintiff,) 2:10-cr-0578-PMP-RJJ
)
v.)
)
LINDA LIVOLSI, aka Linda Grogg,) **ORDER TO CONTINUE and**
Defendant.) **FINDINGS OF FACT & CONCLUSIONS**
) **OF LAW**

)

FINDINGS OF FACT

12 Based on the pending stipulation of counsel, and good cause appearing therefore, the Court
13 hereby finds that:

14 1. The defendant requests a continuance of this trial. Defendant's counsel of choice,
15 Pat McDonald, Esq., has a medical condition which, due to the need for surgery and post-operative
16 rehabilitation, renders him unable to prepare for trial and try this case on its February 12, 2013 trial
17 setting. (For privacy reasons, details of Mr. McDonald's condition are omitted here, but Mr.
18 McDonald more fully described his need for surgery at the January 17, 2013 hearing. These
19 statements are incorporated herein by reference.) That said, defendant still wishes to retain Mr.
20 McDonald to handle her trial, and thus, stipulates to this continuance so that she can be represented
21 by her counsel of choice.

22 2. Defendant (and her counsel) need additional time to prepare for trial in the case
23 including conducting legal research.

3. The United States, having inquired with Mr. McDonald into his medical condition, agrees to the continuance.

4. This is the seventh request for a continuance of the trial date.

5. Defendant is not in custody and does not object to a continuance of the trial date.

In fact, she actively seeks this continuance.

6. Denial of this request for a continuance could result in a miscarriage of justice.

7. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A), when considering the factors under 18 U.S.C. §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

CONCLUSIONS OF LAW

1. For all of the above-stated reasons, the ends of justice would best be served by a continuance of the trial date.

2. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A), when considering the factors under 18 U.S.C. §§3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv). In particular, based on the findings above, the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial.

ORDER

IT IS THEREFORE ORDERED that the calendar call presently scheduled for February 6, 2013, at 9:00 am setting be vacated, continued and reset for Wednesday, August 14, 2013, at 9:30 a.m. in Courtroom 7C.

IT IS FURTHER ORDERED that the trial currently scheduled for February 12, 2013, at 9:00 a.m. is vacated, and reset for Tuesday, August 20, 2013, at 9:00 a.m. in Courtroom 7C.

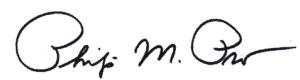
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3 DATED this 18th day of January, 2013.

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6 UNITED STATES DISTRICT JUDGE

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